

REMARKS

Claims 1-17 were pending in the subject application. Claims 15-17 have been withdrawn for pertaining to non-elected subject matter. Thus, claims 1-14 are before the Examiner for consideration.

Claims 1-6, 9 and 12 are rejected under 35 USC § 102(a) as being anticipated by Hecht et al. Applicants respectfully traverse. The Hecht et al. reference was published in September of 2002. Applicants submit herewith a publication, published January 2002 relating to the administration of conjugates of benzyl and phenethyl isothiocyanates during postinitiation phase of tumorigenesis. As can be seen, the inventors are also authors on this publication. This publication shows that conception of the invention contained within claim 1 occurred well before the Hecht et al. publication. Accordingly, given this clear evidence of earlier invention, Applicants do not believe it is necessary to swear behind the reference using a 1.131 affidavit. However, Applicants submit contemporaneously with this response, under separate cover, 131 affidavit. In light of this affidavit, the rejection should be rendered moot in view of the disqualification of the Hecht et al. reference as prior art. Reconsideration of this 35 USC § 102(a) rejection is respectfully requested.

Claims 7, 8, 10, 11, 13 and 14 are rejected under 35 USC § 103(a) as being obvious over Hecht et al. Applicants respectfully traverse and incorporate the remarks made above with in rebuttal of the 102(a) rejection. The Hecht et al. reference should not be considered relevant prior art based on Applicants conception prior to the Hecht et al. publication date. In view of this, Applicants respectfully request reconsideration of this 35 USC § 103(a) rejection.

Claims 1-6, 9 and 12 are rejected under 35 USC 102(a) as being anticipated by Yang et al. Applicants respectfully traverse. Applicants submit to the USPTO under separate cover a 1.132 Declaration that establishes both that the authors of the Yang et al. publication conceiving of the subject matter relating to the subject matter presently

claimed in the subject application are the same. Thus, the Yang et al. publication is not proper prior art as it does not pertain to an invention by another. Moreover, the filing of a provisional application in December 2002, to which the present application ultimately claims priority, shows due diligence and a constructive reduction to practice. In view of the foregoing, Applicants respectfully assert that Yang et al. reference must be disqualified as prior art. Reconsideration of this novelty rejection is respectfully requested.

All grounds for rejection or objection having been addressed and overcome herein, it is respectfully requested that this application is in condition for allowance. Applicants request that the Examiner call the undersigned if clarification is needed on any aspect of this Reply.

Respectfully submitted,

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